

**Introduced by Senator Lieu**

February 15, 2013

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An act to amend Section 367.5 of the Code of Civil Procedure, relating to civil procedure.

LEGISLATIVE COUNSEL'S DIGEST

SB 315, as amended, Lieu. Civil actions: telephonic appearances.

Existing law provides that courts should, to the extent feasible, permit parties to appear by telephone at appropriate conferences, hearings, and proceedings in civil cases to improve access to the courts and reduce litigation costs. *Existing law permits a party to make appearances by telephone at specified conferences, hearings, and proceedings.*

This bill would ~~make a nonsubstantive change to that provision.~~ *expand the circumstances under which a party may appear by telephone to include all conferences, hearings, and proceedings except a trial and a trial readiness conference.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 367.5 of the Code of Civil Procedure is
- 2 amended to read:
- 3 367.5. (a) It is the intent of this section to promote uniformity
- 4 in the procedures and practices relating to telephone appearances
- 5 in civil cases. To improve access to the courts and ~~to~~ reduce
- 6 litigation costs, courts should, to the extent feasible, permit parties

1 to appear by telephone at appropriate conferences, hearings, and  
2 proceedings in civil cases.

3 (b) Except as provided in subdivision (c), in all general civil  
4 cases, as defined in the California Rules of Court, a party that has  
5 provided notice may appear by telephone at ~~the following~~  
6 ~~conferences, hearings, and proceedings:~~ *any conference, hearing,*  
7 *or proceeding, except a trial or trial readiness conference.*

8 ~~(1) A case management conference, provided the party has made~~  
9 ~~a good faith effort to meet and confer before the conference as~~  
10 ~~required by law and has timely served and filed a case management~~  
11 ~~statement.~~

12 ~~(2) A trial setting conference.~~

13 ~~(3) A hearing on law and motion, except motions in limine.~~

14 ~~(4) A hearing on a discovery motion.~~

15 ~~(5) A conference to review the status of an arbitration or~~  
16 ~~mediation.~~

17 ~~(6) A hearing to review the dismissal of an action.~~

18 ~~(7) Any other hearing, conference, or proceeding if the court~~  
19 ~~determines that a telephone appearance is appropriate.~~

20 (c) The court may require a party to appear in person at a  
21 hearing, conference, or proceeding ~~listed in subdivision (b)~~ if the  
22 court determines on a hearing-by-hearing basis that a personal  
23 appearance would materially assist in the determination of the  
24 proceedings or in the effective management or resolution of the  
25 particular case.

26 (d) Consistent with its constitutional rulemaking authority, the  
27 Judicial Council shall adopt rules effectuating the policies and  
28 provisions in this section by January 1, 2008, and may adopt rules  
29 relating to matters not covered by subdivision (a). The rules may  
30 prescribe, but are not limited to prescribing, the notice to be given  
31 by a party requesting a telephone appearance under subdivision  
32 (a), the manner in which telephone appearances are to be  
33 conducted, the conditions required for a party to be permitted to  
34 appear by telephone, and provisions relating to the courts' use of  
35 private vendors to provide telephone services.

36 (e) This section does not apply to any types of cases or types  
37 of conferences, hearings, and proceedings except those specified  
38 in subdivision (b). Consistent with its constitutional rulemaking  
39 authority, the Judicial Council may by rule provide for the  
40 procedures and practices, and for the administration of, telephone

1 appearances for all types of cases and matters not specified in  
2 subdivision (b). For these other cases and matters, the Judicial  
3 Council may specify the types of cases and matters in which parties  
4 may appear by telephone, the types of cases and matters in which  
5 parties shall appear personally, the conditions under which a party  
6 may be permitted to appear by telephone, and any other rules  
7 governing telephone and personal appearances that are within its  
8 rulemaking authority.

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